

Recommendations for Statutory or Regulatory Changes

RSMo 21.795.2(7)

The information in this section is in accordance with the following section of the reporting statute. “(7) *Specific recommendations for any statutory or regulatory changes necessary for the efficient and effective operation of the department; ...*” Section 21.795.2(7), RSMo Supp 1998.

The Missouri Department of Transportation (MoDOT) continues to make the state’s transportation system safer through construction and rehabilitation of the state road system, increased improvement projects at the state general aviation airports and increased investments in Missouri’s transit systems. However, the state of Missouri can no longer ignore the escalating needs for greater investment in its transportation network, needs that far outpace existing revenues to fund them. Last year, the General Assembly considered a number of legislative proposals to increase transportation funding, including a plan endorsed by Governor Bob Holden. These proposals encompassed a wide range of solutions, such as increasing the state’s fuel tax, enacting a statewide transportation sales tax, eliminating or limiting the appropriation of highway user revenues to other state departments and increasing vehicle registration fees. MoDOT is committed to working with the Governor’s office and the General Assembly in the 2002 legislative session to identify a substantive, legislative proposal to address Missouri’s funding predicament.

In addition, MoDOT has identified two key areas in the department’s Business Plan that could be assisted with specified legislative solutions. These areas are:

- 1) Initiatives that promote transportation safety, and,
- 2) Proposals to efficiently manage transportation resources.

MoDOT initiatives that will promote safety for the users of Missouri’s transportation system include prohibiting the possession and consumption of open, alcoholic beverages in motor vehicles and restricting the transport of hazardous loads in tunnels.

Because Missouri did not pass an open container law during the last federal fiscal year that complied with the federal mandates, MoDOT was required to *transfer* federal highway construction dollars to highway safety programs. Last year, the Federal Highway Administration (FHWA) transferred \$5.2 million from construction funds to highway safety projects implemented by the Department of Public Safety. MoDOT estimates another \$5.2 million will be transferred to highway safety programs, though a decision has yet to be made on what projects will be funded with the transferred monies. Further, this transfer amount will double to approximately \$10.4 million in October 2002 and continue at that level each year until legislation is passed that complies with the federal law.

The Missouri Highways and Transportation Commission has tentatively approved the design for a tunnel on U.S. Route 67 at the Lambert-St. Louis International Airport Expansion in Bridgeton. Part of the tentative approval involved restricting, to some degree, the transport of hazardous loads in the tunnel. This will be Missouri’s first tunnel. Without the restriction, an accident

involving a hazardous load could result in an explosion or hazardous spill in the tunnel. Containment and clean up of this type of spill would be difficult. This could have extreme detrimental impacts on the safety of other motorists in the tunnel and the surrounding community. The legislation would protect also airplanes, passengers and airline personnel traveling on the runway that will be constructed over the tunnel. For these reasons, MoDOT is pursuing statutory restriction on hazardous loads in the new tunnel.

MoDOT will also be promoting legislation to better manage the state's existing transportation resources. The first proposal will improve the state's aviation industry. It would retain current state law requiring the credit of sales taxes from the purchase of aviation jet fuel to the Aviation Trust Fund. It would also require permits to be obtained from the Missouri Highways and Transportation Commission by the owners of tall structures located near airports that pose a safety hazard to air navigation at the airport. The second proposal relating to managing transportation resources would prohibit the sale of vehicles and boats on commuter parking lots. Currently there is no provision prohibiting this practice, the result of which is the loss of available parking for persons wanting to car pool or use the public transit system.

While these are the issues for which MoDOT is specifically requesting General Assembly approval during the 2002 legislative session, there are other legislative proposals that the department has supported in previous sessions and will continue to support if they are brought up for consideration in 2002. These proposals include initiatives to accelerate highway construction, such as authorization for design-build, authority to build and operate toll facilities, and elimination of the 10-mile rule. MoDOT will continue to provide information on these and all transportation-related initiatives in 2002.